

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, et al.,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in her
capacity as Monmouth County Clerk, et al.,

Defendants.

Civil Action No. _____

APPLICATION TO FILE OVERLENGTH BRIEF

Pursuant to Local Rule 7.2(b), the Plaintiffs herein respectfully move for leave to file an overlength brief in support of their motion for a preliminary injunction. As grounds for this application, Plaintiffs state:

1. The plaintiffs filed a Verified Complaint on February 26, 2024. The Plaintiffs assert claims against nineteen separate county clerks for their expected conduct in designing and issuing New Jersey primary ballots for the June 2024 primary election, alleging that they, and the state laws under which they purport to operate violate, *inter alia*, various rights conferred by the First and Fourteenth Amendment, and violated the Elections Clause of the United States Constitution.

2. Plaintiffs' brief presents to the Court issues that include:

- Who the Plaintiffs are and how they have standing to bring the claims in the Complaint;
- The Defendants' historical practices in ballot design, including preferential and non-preferential draws, their varying choices of pivot point offices, and the placement of candidates;
- An explanation of the current and historical state statutory law on ballot design, and the interpretation and gloss of such statutes by state courts;

- Defendants' anticipated conduct regarding ballot design for the upcoming election;
- The deleterious effects of such ballot designs on the rights of Plaintiffs and similarly situated candidates.
- Summarization of four expert reports that elaborate on and quantify the negative effects candidates experience and Plaintiffs will imminently and irreparably experience if the requested relief is not granted;
- An argument under applicable law in light of the facts adduced and the expert opinion showing why Defendants are in violation of the First Amendment, Fourteenth Amendment, and the Elections Clause of the Constitution.
- An analysis of why Plaintiffs satisfy all relevant criteria required for the issuance of a preliminary injunction that restrains defendants from complying with unconstitutional state laws on ballot design.

3. All of the foregoing require extensive briefing in order to properly and clearly present these issues to the Court on a motion for a preliminary injunction.

4. I and several other experienced attorneys sought to pare the brief down to the 30 page limit, but after many hours we were only successful at reducing the brief to 54 pages.

5. Given the scope and complexity of this lawsuit, Plaintiffs respectfully request that the Court grant leave to file a 54 page brief in connection with their motion for a preliminary injunction. Although the solution being sought is simple, and already in place in two New jersey counties, the complexity and resulting brief length is due to the compounding unconstitutional effects that the ballot design law causes, and related proofs.

Respectfully submitted,

WEISSMAN & MINTZ
Co-counsel for Plaintiffs

BROMBERG LAW, LLC
Co-counsel for Plaintiffs

By: /s/ Brett M. Pugach

By: /s/ Yael Bromberg

Date: Feb. 26, 2024